

**United States Court of Appeals  
For the First Circuit**

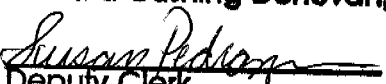
**MANDATE**

No. 04-1903  
D.C. #04-10580  
J. Lasker

GREGORY C. MILTON,  
  
Petitioner, Appellant,  
  
v.

METRO BOSTON INPATIENT UNIT OF THE LEMUEL SHATTUCK HOSPITAL,  
  
Respondent, Appellee.

**Certified and Issued as Mandate  
under Fed. R. App. P. 41.**

**Richard Cushing Donovan, Clerk**  
  
Deputy Clerk

\_\_\_\_\_  
Before  
Torruella, Circuit Judge,  
Stahl, Senior Circuit Judge,  
and Howard, Circuit Judge.  
\_\_\_\_\_

Date:

JUDGMENT

Entered: December 6, 2004

Because petitioner's § 2254 petition sought to attack a 1988 fine only conviction -- and not the means by which he came to be presently confined in a psychiatric unit -- the district court correctly dismissed the § 2254 petition since petitioner is not in custody pursuant to the judgment being attacked. The request for a certificate of appealability is denied, and the appeal is terminated. All other forms of relief are denied.

By the Court:

Richard Cushing Donovan, Clerk.

By: MARGARET CARTER  
Chief Deputy Clerk.

Certified Copy to Hon. Morris E. Lasker  
Certified Copy to Mr. Ruane, Acting Clerk USDC

cc: Mr. Milton & Ms. Atryzek